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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,314	10/31/2003	Teruo Tamada	KYFS-US	9823

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EXAMINER

BURCH, MELODY M

ART UNIT

PAPER NUMBER

3683

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/698,314

Applicant(s)

TAMADA ET AL.

Examiner

Melody M. Burch

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re: claim 1. Since both the first and second energy absorbing members are described as having first and second walls and a pair of joined first and second ribs, it is unclear to the Examiner as to which first wall, second wall, first rib, or second rib Applicant intends to refer to in the latter portions of the claim (the first wall of the first energy absorbing member or the first wall of the second energy absorbing member, etc.)

The remaining claims are indefinite due their dependency from claim 1.

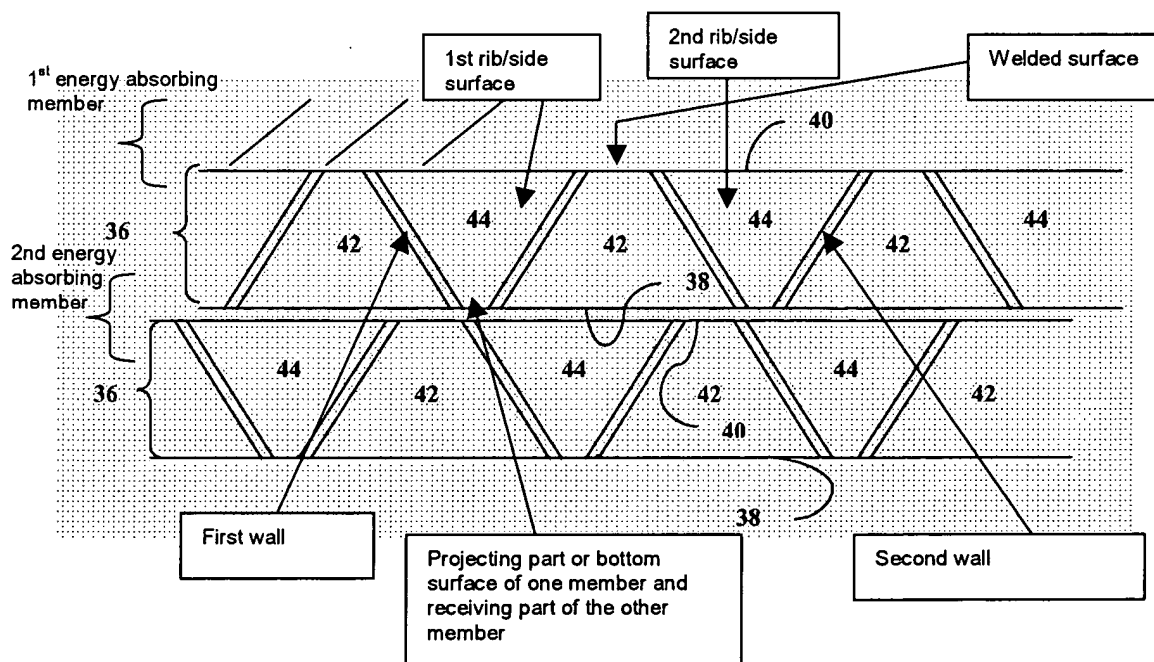
Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 3933387 to Salloum et al. in view of JP-10250513.

Re: claims 1-3. Salloum et al. show in figure 2 a system for absorbing an impact energy, said system comprising: first and second energy absorbing members; each said energy absorbing member having opposing first and second walls; at least one pair of joined first and second ribs disposed within each said energy absorbing member, said first rib being integrally formed from and directly connected to said first wall, said second rib being integrally formed from and directly connected to said second wall; a welded surface disposed between said first and second ribs; the weld surface being directly disposed between and joining the first and second ribs, and wherein said first and second energy absorbing members are aligned such that said impact energy is distributed between said energy absorbing members and absorbed by said energy absorbing members such that when the projecting part mates with the receiving part, the first and second impact absorbing members are aligned. See Examiner's annotated version of Applicant's schematic version of the Salloum et al. structure.



Salloum et al. fail to include the limitation of the members being blow molded thermoplastics.

JP-10250513 teaches the use of energy absorbers made of blow molded thermoplastic.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the material of the energy absorbers of Salloum et al. to have been made of blow molded thermoplastic, as taught by JP'513, in order to provide a structurally sound lightweight energy absorber.

Examiner notes that the claim is an apparatus claim, therefore, determination of patentability is based on the product itself.

Re: claim 4. Salloum et al., as modified, teach in figure 2 of Salloum the first member and the second member being interlocked with each other via a thin part or the top of one of an additional one of the pyramids.

Re: claims 5, 6, 8, 9, 11-14, 16-18. Salloum et al., as modified, teach in figure 2 of Salloum the limitation wherein a projecting part or one of the pyramids is disposed in the first wall of the first member and a receiving part or cavity for receiving is disposed in the second wall of the second member.

Re: claims 7, 10, and 22. Figure 2 of Salloum et al. shows the limitation of the receiving part being a through hole or the hole through which the screw in the area of element 24 passes.

Re: claims 15, 19-21. Salloum et al., as modified, teach in figure 2 of Salloum the limitation of a stopping member or one of the additional pyramids shown in figure 2.

Response to Arguments

5. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection (at in least in view of a new interpretation of the Salloum et al. reference). The interpretation has been made, as best understood, in light of the 112 second rejection. Examiner notes that the heat welded surface is directly disposed between and joining the first and second ribs. It is maintained that the joining of the first and second ribs occurs at least at as a result of the contact at the corners shown surrounding element 9 in figures 3 and 4.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 571-272-7114. The examiner can normally be reached on Monday-Friday (6:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James McClellan can be reached on 571-272-6786. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3683

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mmb
March 31, 2006

Melody M. Burch
Melody M. Burch
Primary Examiner
Art Unit 3683
3/31/06